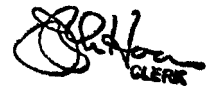


**FILED**

JUL 26 2005

  
CLERK

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF SOUTH DAKOTA**

**CENTRAL DIVISION**

\*\*\*\*\*

UNITED STATES OF AMERICA,

CR. 05-30053

Plaintiff,

-VS-

ALEXIS SALGADO,

Defendant.

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REPORT AND RECOMMENDATION  
FOR DISPOSITION OF DEFENDANT'S  
MOTION TO SUPPRESS EVIDENCE  
AND STATEMENTS

\*\*\*\*\*

Defendant, Alexis Salgado, has filed a Motion to Suppress Evidence and Statements, Docket No. 17. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the July 26, 2005 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion is granted insofar as it seeks to suppress Defendant's March 4, 2005 statement that he had smoked a joint earlier in the vehicle. The balance of the Motion, relating to the suppression of evidence and other statements made by Defendant, is denied. .

Dated this 26th day of July, 2005, at Pierre, South Dakota.

**BY THE COURT:**




**MARK A. MORENO  
UNITED STATES MAGISTRATE JUDGE**

**ATTEST:**

**JOSEPH HAAS, CLERK**

**BY:**

  
**Deputy**

**(SEAL)**

**NOTICE**

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).